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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,052	07/31/2001	James A. Starkey	N10-001	4252

7590

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/24/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/919,052

Applicant(s)

STARKEY, JAMES A.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-26 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. Claims 1- 26 remain pending for examination.

Response to Arguments

2. Applicant's arguments filed December 1, 2003 with respect to claims 1-26 have been fully considered but, have been found persuasive only to the extent that the prior art of record does not specifically teach the limitations "interface converts into a form that is compatible with the user's web browser". However, Kadlec teaches such limitations.

MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into

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account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.”).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,987,480 issued to Donohue et al. (hereinafter “Donohue”) in view of U.S. Patent No. 6,212,530 issued to Kadlec (hereinafter “Kadlec”).

As per claim 1, Donohue teaches a web page generator for supplying web pages for display by a browser, comprising an application store with at least one application that identifies templates by name (thus, the directory identified in the locator is searched for a first default document template corresponding to the requested document, if the first default template exists in the directory and it is selected for use as the document template; see col. 5, lines 33-37),

an interface for generating a modified user request that identifies one of the applications in said application store in response to a user request from a browser (thus, the data source

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interface function twenty retrieves content from the data source twelve and stores the content in a container class as a pool of name/value pairs; see col. 7, lines 59-61 and col. 5, lines 3-13);

an application manager responsive to the modified user request for processing a selected application including the identification of all the templates in said template store related to the application (thus, in response to a request from a client computer for a document, automatically providing a document which is compatible with the client computer's browser type, the method involves storing on the web server a plurality of document templates compatible with a plurality of types of web browsers, automatically identifying at the web server the type of browser operating on the client computer; see col. 5, lines 2-10 and lines 59-67),

a templates manager for selecting one of said templates in said template store according to a template name and selection criteria from said application manager (thus, the web server also stores a library of functions twenty two which are called by the script fourteen and a plurality of document templates twenty four, the template selection function sixteen selects one of the templates twenty four to be used based at least in part on the URL received at the web site and the template parsing function eighteen; see col. 7, lines 15-22);

a template store with a plurality of templates (thus, the method involves designing and storing a plurality of document templates on the web server in a hierarchical directory structure, each document template corresponding to one of a plurality of possible documents which may be requested by users; which is readable as a template store with a plurality of templates, each template having a name, a body and selection criteria templates having names; see col. 5, lines 26-31). Donohue does not specifically teach each template having a name, a body and selection criteria with at least two templates having the same name. It would have been obvious to have

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two templates having the same name in order to facilitate the retrieval of users information, whereby the users having a plurality related documents or request. Instead of retrieving documents one by one, they can be retrieved under one identification. Further, Donohue does not explicitly indicate said application manager producing a representation of a web page in response to the body of each selected template that said interface converts into a form that is compatible with the user's web browser. However, Kadlec indicates a method being described herein for, the templates are manually filled with information using document/text processing software, these documents may then be distributed either in a printable or electronic form, or made available on-line for download by the end user, in a more modern version of this approach, the documents may be converted to one of the Web formats and linked to a Web browser page, (see col. 2, lines 3-9). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combined teachings of Donohue and Kadlec with said application manager producing a representation of a web page in response to the body of each selected template that said interface converts into a form that is compatible with the user's web browser. Such modification would allow the teachings of Donohue and Kadlec to improve the accuracy and the reliability of the method and apparatus for generating web pages from templates, and provide a method and apparatus which define management-related and quality-related information, (col. 4, lines 7-11).

As per claim 2, Donohue teaches wherein said templates manager includes means responsive to a first request for a template from an application for generating a template object for each template in the application and a template set object for the application, said template set object identifying each template object and each template object identifying a corresponding

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template for retrieval (thus, the data source of Donohue functions as a template set object identifying each template object for retrieval and populating the template with objects or contents to populate a given template; see col. 5, lines 61-66).

As per claim 3, Donohue teaches wherein said templates manager includes a pointer to the template set object for the application (thus, the step of determining which of the first content to retrieve would then comprise retrieving the characteristics associated with the identified user and determining which of the first content to retrieve based on the characteristics; see col. 4, lines 31-35).

Claim Objections

4. Claims 4-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest in combination with other elements, wherein each template set object generated by said templates manager has a plurality of pointers to groups of template objects, wherein all template objects for the same template name are identified by the same pointer and wherein a single pointer can refer to template objects of different names, said templates manager including means for identifying a given pointer based upon a template name and means for thereafter selecting a specific template object and corresponding template from the identified group of template objects and templates as recited in claim 4.

Claims 5-13 further limit the subject matter of claim 4.

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Allowable Subject Matter

5. Claims 14-26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The present application has been thoroughly reviewed. Upon extensive diverse databases searches, the examiner deems that the claimed features “ii) means for generating a template object including the new template name and reference to the given application, and iii) means for adding the new template object to the template set object at a predetermined location therein.” in conjunction with other elements of the independent claims would not found anticipated or obvious over the prior art made of record. Therefore, claims 14-26 are hereby allowed.

[remainder of page intentionally left blank]

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CONTACT INFORMATION


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718. The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John B Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

May 5, 2004


SHAHID ALAM
PRIMARY EXAMINER